

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

KENNETH PETERSON and RICHARD
KIMBLE,

Plaintiffs,

v.

AGRI STATS, INC., JBS USA FOOD
COMPANY HOLDINGS, TYSON
FOODS, INC., CARGILL, INC., and
NATIONAL BEEF PACKING
COMPANY,

Defendants.

Case No. 19-cv-1129-JRT-HB

AMENDED STIPULATION
REGRADING CASE
DEADLINES

Several cases have been filed alleging that defendants engaged in a conspiracy to fix, raise, maintain, and stabilize the price of certain beef products. Four such cases are currently pending before this Court as related cases: *Peterson, et al. v. Agri Stats, Inc., et al.*, No. 19-cv-1129 (D. Minn.), *Ranchers Cattlemen Action Legal Fund United Stockgrowers of Am., et al. v. Tyson Foods, Inc., et al.*, No. 19-cv-1222 (D. Minn.), *Sevy v. Tyson Foods, Inc., et al.*, No. 19-cv-1243 (D. Minn.) and *Wright v. Tyson Foods, Inc. et al.*, No. 0:19-cv-01350 (D. Minn). A fifth case has been filed in the Western District of Missouri, *Graham v. Tyson Foods, Inc., et al.*, No. 19-cv-368-SRB (W.D. Mo.). (Collectively, the “Cases.”)

The parties believe that it would serve judicial economy to wait for a short period of time to determine whether additional cases will be filed and then assess how the Cases should be managed.

Therefore, the parties, by and through their undersigned counsel, stipulate to the following:

1. On or before June 21, 2019, the parties will discuss how the Cases should be managed and whether some or all of them should be consolidated for any purpose and attempt to reach a mutually satisfactory proposal to present to the Court;

2. On or before June 28, 2019, the parties will file a joint status report setting forth their respective views on preliminary case management issues for the Cases and setting forth a proposed schedule for any motions under Federal Rule of Civil Procedure 42 or 28 U.S.C. § 1404 or § 1407, as well as the filing of amended or consolidated complaints (if any), and any response to the complaints;

3. The parties agree that Defendants' response to any complaint will in no case be due prior to 45 days after the Court's entry of an order in response to the joint status report and 45 days after the filing of an amended complaint (if any). Any responsive brief would be due no earlier than 28 days thereafter and any reply 21 days later; and

4. The parties stipulate and agree that entering into this Amended Stipulation shall not constitute a waiver of (a) any jurisdictional defenses that may be available; (b) any affirmative defenses under Rule 8 of the Federal Rules of Civil Procedure, any defense listed in Rule 12(b) of the Federal Rules of Civil Procedure, or otherwise; or (c) any other statutory or common law defenses that may be available to Defendants. Defendants expressly reserve their rights to raise any such defenses and any other defense.

A proposed order is being submitted to the Court herewith.

IT IS SO STIPULATED.

Dated: June 7, 2019

/s/ Steve Berman

Steve Berman
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Second Avenue, Suite 2000
Seattle, Washington 98101
Telephone: (206) 623-7292
steve@hbsslaw.com

Shana E. Scarlett
Rio S. Pierce
HAGENS BERMAN SOBOL SHAPIRO LLP
715 Hearst Avenue, Suite 202
Berkeley, California 94710
Telephone: (510) 725-3000
shanas@hbsslaw.com
riop@hbsslaw.com

W. Joseph Bruckner (MN #0147758)
Elizabeth R. Odette (MN #0340698)
Brian D. Clark (MN #0390069)
Arielle S. Wagner (MN #0398332)
LOCKRIDGE GRINDAL NAUEN P.L.L.P.
100 Washington Avenue South, Suite 2200
Minneapolis, MN 55401
T: (612) 339-6900
wjbruckner@locklaw.com
erodette@locklaw.com
bdclark@locklaw.com
aswagner@locklaw.com

Karl L. Cambronne, #14321
Bryan L. Bleichner, #0326689
Jeffrey D. Bores, #227699
17 Washington Avenue North, Suite 300
Minneapolis, MN 55401
(612) 339-7300
kcambonne@chestnutcambronne.com
bbleichner@chestnutcambronne.com
jbores@chestnutcambronne.com

Counsel for Plaintiff Kenneth Peterson and Richard Kimble

/s/ Justin Bernick

Justin W. Bernick
Hogan Lovells US LLP
Columbia Square
555 Thirteenth Street, NW
Washington, D.C. 20004
202-637-5485
justin.bernick@hoganlovells.com

Counsel for Defendant AGRI STATS, INC.

/s/ Jessica Nelson

Donald G. Heeman (#0286023)
Jessica J. Nelson (#0347358)
Spencer Fane LLP
150 South Fifth Street
Suite 1900
Minneapolis, MN 55402
612-268-7000
dheeman@spencerfane.com
jnelson@spencerfane.com

Stephen Neuwirth (pro hac vice application forthcoming)
Sami H. Rashid (pro hac vice application forthcoming)
Quinn Emanuel Urquhart & Sullivan LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010
212 849 7000
stephenneuwirth@quinnemanuel.com
samirashid@quinnemanuel.com

Ethan Glass (pro hac vice application forthcoming)
Quinn Emanuel Urquhart & Sullivan LLP
1300 I Street NW Suite 900
Washington, D.C. 20005
202-538-8265
ethanglass@quinnemanuel.com

Counsel for Defendant JBS USA Food Company Holdings

/s/ David P. Graham

David P. Graham
DYKEMA GOSSETT PLLC
4000 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402
(612) 486-1521
dgraham@dykema.com

Susan E. Foster <*Pro Hac Vice Application Forthcoming*>
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
(206) 359-8846
SFoster@perkinscoie.com

Jon B. Jacobs <*Pro Hac Vice Application Forthcoming*>
PERKINS COIE LLP
700 13th Street, N.W., Suite 700
Washington, DC 20005
(202) 654-1758
JBJacobs@perkinscoie.com

Counsel for Defendant Tyson Foods, Inc.

/s/ Mark W. Ryan

Mark W. Ryan
Michael E. Lackey, Jr.
MAYER BROWN
1999 K Street, NW
Washington, DC 20006-1101
(202) 263-3338
mryan@mayerbrown.com

Katheryn N. Hibbard
X Kevin Zhao
GREENE ESPEL PLLP
222 S. 9th St. Ste 2200
Minneapolis, MN 55402
(612-373-0929)
khibbard@greeneespel.com
kzhao@greeneespel.com

Counsel for Defendant Cargill, Inc.

/s/ Andrew M. Luger

Julia E. McEvoy

JONES DAY

51 Louisiana Avenue, N.W.

Washington, D.C. 20001-2113

(202) 879-3867

jmcevoy@jonesday.com

Paula W. Render

JONES DAY

77 West Wacker, Suite 3500

Chicago, Illinois 60601-1692

(312) 269-1555

prender@jonesday.com

Andrew M. Luger

Jones Day

90 South Seventh Street

Suite 4950

Minneapolis, MN 55402

+1.612.217.8800 (3.8800) Telephone

+1.844.345.3178 Facsimile

aluger@jonesday.com

Counsel for Defendant National Beef Packing Company